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Dear Colin,

Conclusion of negotiations to resolve outstanding difficulties at East Northdown.
Adoption of improved procedures in light of independent report.

Thankyou for your letter of the 29th April, on the above. I fully appreciate your efforts in steering a fair and reasonable course through these difficult issues. I also accept that the independent report was such and fair, I have set out my few reservations previously.

Dispute/litigation with Miles.

As commented on by both you and the independent inspector, the nub of the ongoing problems are the long lasting bitter dispute between Mr. Miles and myself, (or more correctly my late father!).

I can tell you that I have spent a considerable sum of money in countering Miles legal action against my aunts, as I have in seeking planning consultants advise, over addressing his allegations of planning breaches against me, over the last 20 years. I recognise the local authority has had to do the same.

Having done so, the only way forward is to ensure we reach lasting settlement, putting any past rights and wrongs behind us, however unpalatable, that will resolve this conflict once and for all, only then will, my family, neighbours and tenants (hopefully) be able to pick up the threads of our lives again. There is no firm date for the court case at present, the April 08 date having been cancelled by Miles.

Conclusions of your letter.

I broadly concur with the conclusions in your letter with just a few following minor exceptions/ additional observations: -

I accept the necessity to ensure all machines do not cause a noise nuisance to neighbours. Mr. Berkovis fixed machines were all tested and formally approved in 1999. Further work was carried out to ensure all his hand held power tools also complied in 2006. This was achieved a sound reduction of 8.5dbwas achieved by creating a specially insulated booth for finishing and sanding, which was close to Amanda Berry's target reduction of 10db. I do not defend Mr. Berkovi's poor working practices, which undoubtedly left much to be desired in many respects. However I do not think it is fair to say that the nature of the machines themselves, or that metal working as such, necessarily

constitutes B2 - 'heavy industry' fundamentally incompatible with a residential area , as this very complaint was addressed on two separate occasions. The repetition of this same complaint repeatedly, following its successful resolution is vexatious.

With regard to the present situation I can see no reason that similarly effective noise mitigation measures cannot be put in place as on previous occasions, I have appointed an acoustic consultant to help put this in hand.

You confirm that the whole farm, nursery and buildings constitute one agricultural holding, and as such the whole sight benefits from the appropriate permitted developments as set out in the GPDO. I believe the pergola and operation of the farm shop of both agricultural permitted developments. I further believe that the basic procedures recommended by the independent report show the complaints over the farm shop and Spanish tunnels were resolved by a section 64 determination in 1990 and a certificate of lawful use in 2002 respectively, and repetition of these matters is vexatious.

The condition of the tunnels and buildings.

This is a subject that Miles slipped into the independent report, before I had a chance to respond. As we have been in limbo for the past few years, it is obvious that, investment that would have normally been spent on moving my business forward has been lost in fighting his allegations. None the less the buildings are constructed to, and we endeavour to maintain them to, a standard that is 'fit for purpose (for the legal use of the land)' which is my legal obligation.

An objective look at the existing and potential uses upon the site and the formulation of a considered plan that either allows for the ongoing investment in the existing uses of the site, or a redevelopment to alternative uses has not been possible under the prevailing climate of the last couple of years.

Use of the lane /access

The ownership, repair/maintenance and access over the private road, lies at the heart of my legal dispute with Miles and the Rowland Spink's. I am unwilling to take any unilateral action that will prejudice my legal position. I have however been operating a compromise solution, agreed with S. Albon in 2005/6, whereby units A2, A3 keep the gates between them and units B and C locked, preventing access by B and C down the lane. They further direct all visiting larger vehicles via the nursery entrance, and open the central gates for them as required. I can assure you that there is no intentional access to these or any of the business units by HGV's down the lane.

Any complaints about 'the deterioration of the private road' have been dealt with by my unilateral repairs of the road, following approval of my repair programme by the highway authority.

Any decisions regarding new signs should be left until the legal questions over the road are sorted out.

Caravans

These were not being used other than for temporary accommodation for seasonal workers. The polish worker who worked here seasonally, on and off, for nearly three years has now returned permanently to his home in Poland.

During the period of the independent report, procedures were put in place to ensure all complaints were co-ordinated centrally by you, and officers were shielded to some extent from direct representations from the complainants or members. It should be also be noted that, through negotiation we have worked through all the issues raised and, by and large, resolved them all.

I would suggest therefore, especially in view of the recommendations of the independent report that these procedures should remain in place. All complaints at East Northdown (planning enforcement, applications, highways, dogs, fire, noise etc.) continue to be channelled through a senior official such as yourself to look at the complaints objectively and consider them against issues raised in the past, before passing them on to the relevant officers. Before officers take any action, their findings should be reported back. We should continue to be given the opportunity to enter into negotiations to resolve the matters, with you or a similar senior person (who has an overview of the whole picture), in order to be able to reach a fair minded resolution to the problems, each 'on their own merits'.

What appears to be happening at the moment is that the complainants and their allies are putting pressure directly on the officers 'at the front line', as previously, to get them adopt a tough stance against me, under threat of ombudsman action against them, exactly as prior to June 2006.

In brief, I thank you for your unquestionably thorough and fair involvement of the past two years and would ask for measures to be put in place, in accordance with the findings of the independent report, that will ensure that future complaints can continue to be dealt with in the same objective and fair manner. I also ask that all the officers 'at the front line' are able to do their work, without any direct contact with the complainants or council members, and therefore free from any undue pressures being exerted on them.

I give my assurance that I, for my part, will seek to reach a legal resolution of the current legal disputes between me and the complainants, which offer the only possible chance of a lasting resolution to the problems at East Northdown.

Yours sincerely

William Friend

P.S. I am preparing a schedule of additional supporting documents to support my case , as requested by S.Albon, I will send these by hard copy shortly.